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SUBJECT: UZBEKS ADOPT JUDICIAL REFORMS, BUT THE JURY'S  
STILL OUT ON REAL CHANGE

REF: TASHKENT 991

Classified By: CDA Brad Hanson for reasons 1.4 (b) and (d).

¶1. (U) The Government of Uzbekistan has adopted long-planned legislation abolishing the death penalty and transferring the power to issue detention warrants from the Prosecutor's Office to the judiciary. The new laws, adopted by both chambers of the Oliy Majlis in June, are generally the same as described to Poloff by Ministry of Justice representatives in May (reftel). The legislation replacing the death penalty with lifetime imprisonment now contains a provision mandating that prisoners sentenced to life must serve twenty years before making an appeal. The law also limits lifetime imprisonment to those convicted of premeditated murder and terrorism, and contains language enumerating prisoners' rights. Additionally, the adopted form of the legislation dealing with warrant authority allows prosecutors to cancel judges' warrants.

¶2. (SBU) The GOU has made significant efforts to exploit the new legislation for public relations gains, particularly with the Europeans. The official Uzbek press has reported extensively on the laws, portraying them as major advancement for the cause of human rights and highlighting favorable international reactions. The adoption of the new provisions was announced as well to all diplomatic missions and international organizations in Tashkent by diplomatic note. Meanwhile, Uzbek embassies have worked to facilitate and promote news coverage of the legislation by holding special briefings for the foreign press corps, presumably after being instructed to do so.

¶3. (C) Comment: Certain aspects of these reforms may represent a real effort to create the legal framework needed to improve Uzbekistan's human rights record. In particular, Post welcomes the transfer of detention-warrant authority to the judiciary, a change the United States and others in the international community had long encouraged the GOU to adopt. Legal reform, however, is only the first step. The true challenge of Uzbekistan's commitment to the rule of law will be, as ever, in the implementation of the new legislation, a test the GOU often fails. Real improvements will require a sea change in the culture of the legal and state apparatus. Unfortunately, the prospects for this type of transformation are not encouraging, especially since the Uzbek government's industrious efforts to extol the virtues of the new laws suggest that it values these reforms primarily as promotional tools in its never-ending international public relations campaign.  
HANSON